

House Bill 824

By: Representatives Sims of the 169th and Maddox of the 172nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 4 of Title 4 of the Official Code of Georgia Annotated, relating to control
2 of disease in livestock, so as to change certain provisions relating to deer farming; to repeal
3 conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 **SECTION 1.**

6 Chapter 4 of Title 4 of the Official Code of Georgia Annotated, relating to control of disease
7 in livestock, is amended by striking Article 5, relating to deer farming, and inserting in lieu
8 thereof the following:

9 "ARTICLE 5

10 4-4-170.

11 The purpose of this article is to provide for the production of farmed deer as an agricultural
12 operation and to provide for the importation, production, and control and eradication of
13 disease in farmed deer.

14 4-4-171.

15 As used in this article, the term:

16 (1) 'Deer farming' means the agricultural operation of raising and production of farmed
17 deer for the commercial production of food and fiber.

18 (2) 'Farmed deer' means fallow deer (*Dama dama*), axis deer (*Axis axis*), sika deer
19 (*Cervus nippon*), red deer and elk (*Cervus elaphus*), reindeer and caribou (*Rangifer*
20 *tarandus*), and hybrids between these farmed deer species raised for the commercial sale
21 of meat and other parts or for the sale of live animals. Those cervids which are
22 indigenous to this state, including white-tailed deer, and those members of the order

1 Artiodactyla which are considered to be inherently dangerous to human beings and are
2 described in subparagraph (a)(1)(F) of Code Section 27-5-5 shall be classified as
3 unacceptable species and shall not be included within the definition of farmed deer. Deer
4 that may be under the authority of Title 50, Part 23, Subpart c of the Code of Federal
5 Regulations, the Convention on International Trade in Endangered Species of Wild Fauna
6 and Flora, 27 U. ST. 108, TIAS 8249, must meet the requirements set forth in the federal
7 Endangered Species Act of 1973, as amended, 16 U.S.C. Section 1531 et seq.

8 4-4-172.

9 (a) No person shall possess, buy, import, or transport farmed deer or engage in or carry on
10 the business of deer farming without first applying for and obtaining a deer-farming license
11 from the Commissioner of Agriculture. A deer-farming license shall be valid from the date
12 of issuance to March 31 of the following calendar year. A deer-farming license will not be
13 issued by the Commissioner to any deer-farming operation which has not been inspected
14 and approved by the ~~Department of Natural Resources~~ department, provided that any
15 facility expansion must be reapproved prior to renewal of a deer-farming license.

16 (b) The license of any deer farm operator violating this article or any rule or regulation
17 adopted by the Commissioner pursuant to this article shall be subject to revocation,
18 cancellation, or suspension following notice and hearing. A deer-farming license of any
19 licensee whose facility does not meet the definition of an agricultural operation shall be
20 revoked, and such license may be revoked if the licensee violates any provision of Title 27,
21 relating to wild animals. Any farmed deer must be disposed of within 45 days of revocation
22 of any deer-farming license.

23 (c) Deer farm operators shall maintain inventory records of their deer herds, including
24 natural additions, purchased additions, sales, and deaths. Records shall be kept in
25 accordance with specifications of the Commissioner and shall be subject to review by the
26 Commissioner or a representative or employee of the department.

27 (d) Deer farm operators shall construct and maintain premises and facilities used in deer
28 farming in accordance with rules established by the Commissioner and in accordance with
29 subparagraph (A) of paragraph (1) of Code Section 27-5-6, provided that:

30 (1) The facility must be constructed of such material and of such strength as appropriate
31 for the animals involved;

32 (2) Housing facilities shall be structurally sound and shall be maintained in good repair
33 to protect and contain the animals;

1 (3) The facilities shall be designed in such manner, including the inclusion of barriers
2 of sufficient dimensions and conformation, to safeguard both the animals and the public
3 against injury or the transmission of diseases by direct contact; and

4 (4) Any portion of such facility within which farmed deer are maintained shall be
5 surrounded by a fence with a minimum height of eight feet with the bottom six feet made
6 of woven mesh and constructed of a design, strength, gauge, and mesh approved by the
7 department, ~~after consultation with the Department of Natural Resources,~~ and which is
8 sufficient to prevent escape of farmed deer and to prevent white-tailed deer from
9 entering. Supplemental wire to attain a height of eight feet may be smooth, barbed, or
10 woven wire of a gauge and mesh approved by the department with strands no more than
11 six inches apart. All trees and other structures which pose a threat to the integrity of the
12 fencing shall be removed unless fencing is constructed so as to prevent the breach of the
13 fence from the fall of a tree or structure.

14 (e) It shall be the duty of the Department of Agriculture to inspect an applicant's facilities
15 ~~and to transmit a copy of any application for a deer-farming license to the Department of~~
16 ~~Natural Resources. The Department of Natural Resources shall inspect the applicant's~~
17 ~~facilities and shall report to the Department of Agriculture within 30 days of receipt of the~~
18 ~~application. It also shall be the duty of the Department of Agriculture to transmit a copy of~~
19 ~~any license issued pursuant to this article to the Department of Natural Resources. It also~~
20 ~~shall be the duty of the Department of Agriculture to notify the Department of Natural~~
21 ~~Resources of the revocation, nonrenewal, cancellation, or lapse of any license issued~~
22 ~~pursuant to this article. All such notifications shall be made in writing and shall be made~~
23 ~~as promptly as possible, but in no event shall such notification be given more than 72 hours~~
24 ~~after the event giving rise to the requirement of notice.~~

25 (f) For purposes other than agricultural operations, farmed deer species must be held under
26 a wild animal license pursuant to Chapter 5 of Title 27. Anyone holding, possessing,
27 importing, or transporting farmed deer without a deer-farming license or a wild animal
28 license is in violation of Title 27.

29 4-4-173.

30 Health and transportation requirements for any Artiodactyla (even-toed ungulates) must
31 meet the health requirements established by rule or regulation of the Georgia Department
32 of Agriculture. Those animals specifically used for deer farming must meet the
33 requirements of the Uniform Methods and Rules of the Code of Federal Regulations for
34 Tuberculosis and Brucellosis in Cervidae.

1 4-4-174.

2 Any farmed deer or cervid which escapes from a licensed deer farm shall be ~~subject to the~~
3 ~~jurisdiction of the Department of Natural Resources and may be treated as an escaped wild~~
4 ~~animal which is subject to the same provisions of Chapter 5 of Title 27, except that, while~~
5 ~~such animal is roaming freely outside the enclosure of any licensed deer farm, the owner~~
6 ~~of such farmed deer or cervid shall have 48 hours from the time the escape is detected to~~
7 ~~recapture such animal and return it to the licensed deer farm~~ for other livestock running at
8 large or straying under Chapter 3 of this title. As a condition for maintaining a deer-farming
9 license, it shall be the duty of the owner or operator of a licensed deer farm to notify the
10 ~~Department of Natural Resources~~ department immediately upon discovery of the escape
11 of a farmed deer. When such notice has been given, no legal hunter shall be held liable for
12 killing or wounding an escaped deer.

13 4-4-175.

14 Deer farm operators shall allow the entry onto the deer farm of representatives of the
15 Department of Agriculture, ~~the Department of Natural Resources~~, or other departments or
16 agencies having authority or duties involving farmed deer or wild animals to ensure
17 compliance with applicable federal and state laws.

18 4-4-176.

19 The provisions of this article shall not apply to any facility at which any animal which
20 would otherwise qualify as a farmed deer is intentionally commingled with any species
21 which is classified as and subject to regulation as a wild animal under the provisions of
22 Chapter 5 of Title 27.

23 4-4-177.

24 The Commissioner of Agriculture is authorized to promulgate rules and regulations as may
25 be necessary to effectuate the purpose of this article. Such rules and regulations ~~shall be~~
26 ~~promulgated after consultation with the Department of Natural Resources and~~ shall be
27 designed to ensure the health and safety of wildlife and prevent the spread of animal
28 diseases between wildlife, wild animals, domestic animals, farmed deer, and people. It shall
29 be the duty of the Commissioner, ~~the Department of Agriculture, the Board of Natural~~
30 ~~Resources, the commissioner of natural resources, and the Department of Natural~~
31 ~~Resources to communicate and consult on matters of mutual concern so as~~ and the
32 department to ensure the health and safety of farmed deer, wildlife, wild animals, domestic
33 animals, and people and to prevent, control, and eradicate animal diseases within this state.

1 4-4-178.

2 In addition to the remedies provided in this article and notwithstanding the existence of any
3 adequate remedy at law, the Commissioner is authorized to apply to the superior court for
4 an injunction. Such court shall have jurisdiction, upon hearing and for cause shown, to
5 grant a temporary or permanent injunction, or both, restraining any person from violating
6 or continuing to violate any of the provisions of this article or for failing or refusing to
7 comply with the requirements of this article or any rule or regulation adopted by the
8 Commissioner pursuant to this article. An injunction issued under this Code section shall
9 not require a bond.

10 4-4-179.

11 (a) The Commissioner, in order to enforce this article or any orders, rules, or regulations
12 promulgated pursuant to this article, may issue an administrative order imposing a penalty
13 not to exceed \$1,000.00 for each violation whenever the Commissioner, after a hearing,
14 determines that any person has violated any provision of this article or any quarantines,
15 orders, rules, or regulations promulgated pursuant to this article.

16 (b) The initial hearing and any administrative review thereof shall be conducted in
17 accordance with the procedure for contested cases in Chapter 13 of Title 50, the 'Georgia
18 Administrative Procedure Act.' Any person who has exhausted all administrative remedies
19 available and who is aggrieved or adversely affected by any final order or action of the
20 Commissioner shall have the right of judicial review thereof in accordance with Chapter
21 13 of Title 50. All penalties recovered by the Commissioner as provided for in this article
22 shall be paid into the state treasury. The Commissioner may file in the superior court
23 wherein the person under order resides or, if said person is a corporation, in the county
24 wherein the corporation maintains its principal place of business or in the county wherein
25 the violation occurred a certified copy of a final order of the Commissioner unappealed
26 from or of a final order of the department affirmed upon appeal, whereupon said court shall
27 render judgment in accordance therewith and notify the parties. Such judgment shall have
28 the same effect, and all proceedings in relation thereto shall thereafter be the same, as
29 though said judgment had been rendered in an action duly heard and determined by said
30 court. The penalty prescribed in this Code section shall be concurrent, alternative, or
31 cumulative with any and all other civil, criminal, or alternative rights, remedies, forfeitures,
32 or penalties provided, allowed, or available to the Commissioner with respect to any
33 violation of this article and any quarantines, orders, rules, or regulations promulgated
34 pursuant thereto.

1 4-4-180.

2 It shall be unlawful for any person intentionally to release a farmed deer from captivity or
3 to import, transport, sell, transfer, or possess a farmed deer in such a manner as to cause
4 its release or escape from captivity. If a person imports, transports, sells, transfers, or
5 possesses a farmed deer in such a manner as to pose a reasonable possibility that such
6 farmed deer may be released accidentally or escape from captivity, the department may
7 revoke the license of such person.

8 4-4-181.

9 Any person violating the provisions of this article shall be guilty of a misdemeanor."

10 **SECTION 2.**

11 All laws and parts of laws in conflict with this Act are repealed.